

Planning Committee

3 September 2015

Tabled Papers

Item 2.3 (15/500819/FULL Land adjoining Driftwood, Imperial Drive, Warden)

(1) Response to Mrs Debono

Item 2.5 (SW/15/501109 Four Gun Field, Otterham Quay Lane, Upchurch)

(1) Officer Update

(2) Response from KCC Highways

2-51 Land adjoining Driftwood, Imperial Drive

Kellie MacKenzie

Subject: FW: Tabled Item - Planning Committee (03.09.15) - 15/500819/FULL Land adjoining Driftwood, Imperial Drive, Warden

Importance: High

From: Kellie MacKenzie

Sent: 02 September 2015 17:13

To: minigoun24@hotmail.co.uk; Cllr Ghlin Whelan; Andy Booth (Home); Cllr Ben Stokes (External); Cameron Beart (Cllr); Cllr Darby; Lesley Ingham (Cllr); James Hall (Cllr); James Hunt (Cllr); Cllr Mark Ellen; Mike Baldock (Cllr); Mike Dendor (Cllr); Cllr Mike Henderson (External); Cllr Bryan Mulhern; Cllr Peter Marchington; Colin Prescott (Cllr); Roger Clark (Cllr); Councillor Bobbin; Sue Gent (Cllr)

Cc: Democratic Services (SBC); Rob Bailey; James Freeman; Amanda Berger-North; Andrew Jeffers

Subject: Tabled Item - Planning Committee (03.09.15) - 15/500819/FULL Land adjoining Driftwood, Imperial Drive, Warden

Importance: High

Hello Councillors,

Please see letter below from the Head of Planning emailed to Mrs Debono in relation to application 15/500819/FULL (Land adjoining Driftwood, Imperial Drive, Warden) which will be considered at the Planning Committee meeting tomorrow evening.

Hard copies will be tabled at the meeting.

Kind Regards
Kellie

From: James Freeman

Sent: 02 September 2015 12:07

To: ~~gordon.henderson.mp@parliament.uk~~

Cc: gordon.henderson.mp@parliament.uk; Abdool Kara; Andrew Jeffers; Rob Bailey; Amanda Berger-North; Sharon Dormedy

Subject: RE: VERY URGENT - Application reference - 15/500819/FULL

Dear Mrs Debono

15/500819/FULL

I refer to your e-mail sent to me on 1 September 2015 with regard to your notification to the case being presented to the Council's Planning Committee on Thursday 3 September 2015 and your request for the deferral of the item.

I have reviewed your representation and progress of the planning application and make the following comments:

- Whilst there was an administrative error in not including you within the original notification of the planning application for which I apologise, this issue was identified and corrected and you did send in your representation on 12 March 2015;
- The notification letter includes details on how you could keep up to date on progress of the planning application and provided you with an opportunity to register on-line for automatic updates –

noting that the Government is encouraging Councils to provide information via web sites and through electronic communication;

- Your e-mail representation was received and the contents have been fully taken into account by the case officer in the drafting of the Committee report;
- The Council's web site provides details of the Development Management processes and procedures relating to making representations and how they will be dealt with and I am satisfied that the Council has met all these requirements; and
- The web site makes it clear that we are only able to give no more than 5 working days notice of planning applications being presented to the Planning Committee given the time frames upon which the Council is expected to determine planning applications.

Given the above, I am therefore of the view that it was reasonable for the Council to send you confirmation notification of the committee's consideration of the above case by e-mail in response to your e-mail. I have come to this conclusion given that your representation was sent by e-mail and did not explicitly provide a separate postal address separate from your main representation. It would have been unreasonable and unrealistic to expect administrative officers to have to read through the detail of all representations on all cases to define an address separately given the volume of cases my team are expected to deal with on a day to day basis.

Your neighbours received written letter notifications on the grounds that they had set out their postal address clearly and separately from the main body of their representations which could have been clearly identified by the administrative officers responsible for issuing Planning Committee date notification letters.

I will ensure your complaint e-mail requesting deferral of the item is tabled with members of the Planning Committee.

Whilst I understand your frustration with the time taken to deal with your phone inquiry yesterday and having spoken to the officers concerned, I believe they felt that they could view the case and the representations and correspondence expeditiously. In hindsight however, they should have requested to investigate and return your call separately.

I understand that you may be disappointed with the position I am taking. In effect you can treat this response as the first stage response to a formal complaint. I attach a link to the Council's complaints procedure should you wish to pursue this case further and your next step would be to write to the Chief Executive explaining why you believe my response is unreasonable. Should you not be happy with his response, you can refer the matter to the Local Government Ombudsman.

Yours sincerely

James Freeman | Head of Planning | Planning Services

Swale Borough Council | Swale House | East Street | Sittingbourne | Kent | Me10 3HT | 01795 417309 | Fax : 01795 417417 | Email : jamesfreeman@swale.gov.uk | www.swale.gov.uk



From: A DEBONO [<mailto:ad@swale.gov.uk>]
Sent: 01 September 2015 15:30
To: James Freeman

Dear Mr Freeman,

Application Reference - 15/500819/FULL

I am writing to you, as requested, following our recent telephone conversation.

I am seriously concerned that I have not received proper notification regarding the committee meeting being held in respect of the above planning application. I have been away over the weekend and was only told about this meeting this morning by a neighbour. I immediately called the planning department and was kept on the phone for over an hour, whilst the admin officer tried to find someone who could assist me. The admin officer, having checked the records, confirmed that the planning department had omitted to send me a letter regarding the meeting.

The case worker for this matter was not available, so I asked to speak to their manager and after being on hold for some considerable time, I was put through to a manager who informed me that I had been notified by email. I explained that I do not read my emails regularly, as it is a personal email account, not a work one and queried how this could be deemed a fair and sufficient method of communication, for a matter as important as this. The manager voiced surprise that I did not read my emails at least monthly. Firstly, I find this comment offensive and secondly, even if I accessed my emails monthly, this would not have helped given the short notice regarding the date of the meeting. When I sent my letter of objection to the Council, I made sure that it was sent with a read receipt, as my letter was important. I do not know whether the same was done when the Council sent the email to me, but if it was, it would be seen that I had not read the email. Given that the Council knew that I wished to attend any meeting, I consider that the Council has failed to ensure that I have been provided with proper notice.

I was told that as I had submitted my objection by email, this was why I was notified of the meeting date by email. However at least one of my neighbours sent their objection by email and they still received a letter. Therefore, I consider it unfair that I was not provided with the same proper notification. I explained that I wanted to instruct a solicitor regarding this meeting and how could I do so, without a letter to show them. The manager told me that whilst he didn't know my circumstances, he would assume that I either have a printer or could forward the email to someone else who does have a printer!!

My neighbours and I are extremely worried and concerned about the proposed application and when enquiries have been made to Martin Evans regarding an update concerning the progress of the application, we have been told that the application was not a priority and there would be no update for some time. Therefore, it is shameful that Swale Borough Council would be reliant upon people checking their emails some 6 months later in order to receive short notice regarding such an important meeting.

In addition to this, when I submitted my objection, I was informed that I had to provide my full postal address and not just an email address, otherwise my objection would not be registered. Therefore, I would have expected that notification regarding my required attendance at a meeting would have been communicated by letter to my postal address, preferably by recorded delivery, in order to provide proof that I was aware and had received sufficient notice of the meeting date. This is standard procedure in the legal department where I work.

As I explained to you, I am a lay member of the public and I know nothing about planning applications. Therefore, I need sufficient time in order to instruct someone that does know about

such matters, in order that my views can be properly and fairly represented at any meeting regarding this matter. Therefore I am requesting that the meeting this week should be deferred until a later date, in order that I am given a fair opportunity to put my best case forward.

Kind regards,

Amanda Debono

This is the second time that Swale Borough Council has failed to notify me, properly regarding this matter. The records will show that everyone else received their initial letters regarding this application on 10.02.15, whereas we did not receive ours until 23.02.15. I do not consider this acceptable, bearing in mind that we are the neighbours who are directly next door to this planned development and the neighbours who will be most affected by the proposed development.

Update for Item 2.5 SW/15/501109 (Four Gun Field, Otterham Quay Lane, Upchurch)

Kent Police have provided comments on the amended plans and are pleased to note that gates have been shown to be provided between some of the plots as they requested.

Upchurch Parish Council note that the access onto Canterbury Lane is still shown and object to this on highway safety grounds. They are pleased to see the improvements to parking availability but are still concerned about the lack of provision in respect of play space/equipment for older children. They also question who will be responsible for the maintenance of the play equipment. This would be SBC.

KCC Ecology comment on the revised plans and query the purpose of the non-native species planting within the open space area. There is a risk that amenity planting and the associated level of management will be to the detriment of the existing reptile population. The applicant will need to address this concern. They note that the landscape management and maintenance plan provides insufficient detail to ensure appropriate long-term management of the wildlife mitigation areas and are concerned about twice-yearly trimming of native species hedgerow. These comments have been forwarded to the applicant and we are awaiting their response.

The Public Rights of Way Officer withdraw their objection based on the revised plans but reiterate the need for the developer to divert public right of way ZR19. The applicant has confirmed that they have already submitted the request for a diversion. Members will also note condition 2 which requires the diversion to take place prior to development commencing on site.

The Green Spaces Manager has reviewed the amended plans and notes that the play area would be no less than 20m from the closest residential property and that this distance should minimise disturbances to local residents therefore. He is also happy with the play equipment now proposed but has asked that we ensure that a vehicular gate is provided to allow access for a lawn mower. The applicant will need to show this in an amended plan.

Southern Water refer to their previous comments in respect of the amended plans and additional drainage information and offer no further advice.

An objection has been received from a local resident in response to the amended plans. They note that the play area would be next to their garden and query whether the entire area of open space should be for wildlife. They are concerned that their garden would be overlooked and that the play area would attract anti-social behaviour. Members should note that the play area is not directly adjacent to any residential properties.



Highways and Transportation
Ashford Highway Depot
4 Javelin Way
Ashford
TN24 8AD
Tel: 03000 418181
Date: 2 September 2015

Swale Borough Council
Swale House
East Street
Sittingbourne
Kent
ME10 3HT

Application - SW/15/501109/REM/EME

Location - Four Gun Field, Otterham Quay Lane, Upchurch, Kent ME8 8QP

Proposal - Approval of Reserved Matters for the erection of 52 dwellings, open public space with wildlife area. (appearance, landscaping, layout and scale being sought).

I refer to the above planning application and the amended plans published on 13th August 2015, and would comment as follows:

I am pleased that the proposals now include the pedestrian footway from the proposed vehicular access onto Canterbury Lane, to tie into the existing footway on Otterham Quay Lane. This addresses the concern that I previously had with the creation of the access point, and I also note the availability now also being allowed for within the layout to provide a footway east of this access to serve Kent Terrace and the recently approved housing development expected there.

It is acknowledged that the majority of garages proposed on the development have now been replaced with open car ports in order to make them more likely to be used for the parking of vehicles, as garages are commonly used for general household storage instead, and I note that it is proposed to include a planning condition to prevent these car ports from being enclosed. Whilst this may create an ongoing planning enforcement issue to ensure residents do not convert these over time, I note in this instance that additional tandem spaces are also provided in surplus of the minimum parking provision. Given the availability of these additional off-street spaces, I consider on balance that the overall form of parking on this development is acceptable, as limited opportunities exist elsewhere outside of the official on-street parking spaces to park. Residents are therefore likely to use their allocated spaces in preference to parking on-street.

However, with a number of the plots, the length of the parking area beyond the car port is such that it is likely to encourage an additional vehicle to park and overhang the highway/footway. Parking spaces are considered to require 5m lengths, so where the overall length is up to 2m less than a multiple of 5m, this could lead to vehicles causing obstruction. Consequently, the following amendments are needed to the length of the private accesses at plots:

- Plots 19 & 18 – Reduce length to 12.5m
- Plot 27 – Increase to 15.5m
- Plots 28 & 29 – Increase to 10.5m
- Plot 45 – Increase to 15.5m

- Plot 52 – Increase to 10.5m

In addition, the refuse collection point outside plot 37 should be combined with the one opposite plot 40, so that operatives will access it from Canterbury Lane, rather than requiring the freighter to stop alongside the traffic island in Otterham Quay Lane.

Providing the above minor amendments are made, I would have no objections to the proposals in respect of highway matters subject to the following conditions being attached to any permission granted:-

- 1 No dwelling shall be occupied or the approved use commenced until space has been laid out within the site in accordance with the details shown on the application plans for cycles to be securely sheltered and stored.

Reason: To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of sustainable development and promoting cycle visits.

- 2 Pedestrian visibility splays 2 m x 2 m with no obstruction over 0.6 m above the access footway level shall be provided at each access prior to the commencement of any other development in this application and shall be subsequently maintained.

Reason: In the interests of highway safety.

- 3 The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the roads are laid out and constructed in a satisfactory manner.

- 4 Before the first occupation of a dwelling / premises the following works between that dwelling / premises and the adopted highway shall be completed as follows:

(A) Footways and/or footpaths shall be completed, with the exception of the wearing course;

(B) Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:

(1) highway drainage, including off-site works,

(2) junction visibility splays,

(3) street lighting, street nameplates and highway structures if any.

Reason: In the interests of highway safety.

- 5 Before the first occupation of a dwelling the proposed footways shown on the approved plans along Otterham Quay Lane and west of the vehicular access onto Canterbury Lane shall be constructed and surfaced to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

INFORMATIVE 1: It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Yours faithfully

Alun Millard
Development Planner

